

**Meeting of the Central Valley Flood Protection Board
September 19, 2008**

**Draft Staff Report
DWR Floodway Protection Section**

Item

Consider approval of Permit No. 18244 (Attachment A) to replace existing boat dock with an aluminum dock supported by four steel pilings attached to a gangway attached to a concrete landing on the left (east) bank levee of the Sacramento River.

Applicant

Wayne Herman

Location

The project is located in Sacramento, north of I-880 at 2295 Garden Highway. (Sacramento River, Sacramento County see Attachment B).

Description

To replace existing boat dock with a 20- by 36-foot aluminum dock supported by four steel pilings attached to a 3- by 50-foot gangway attached to a 4- by 2-foot concrete landing on the left (east) bank levee of the Sacramento River.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers endorsement has not been received but is anticipated to be received prior to the September 19, 2008 Board meeting.
- Reclamation District 1000 has endorsed this application (Permit Exhibit B).

Proposed CEQA Determination of Exemption:

Board staff has prepared the following CEQA determination:

The California Department of Fish and Game (DFG), as lead agency under CEQA, approved the project (Herman Floating Dock and Gangway Replacement (1600-2007-

0199-R2, SCH #2007088248) on August 20, 2007 and determined that the project was categorically exempt under a Class 15303e exemption for accessory structures.

The Board, acting as a responsible agency under CEQA, has reviewed the DFG determination and has independently determined that the project is exempt from CEQA under a Class 15303e exemption for accessory structures.

Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has no effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

Staff Recommendation

Staff recommends that the Board determine the project to be exempt from CEQA and to approve the permit.

List of Attachments

- A. Permit
- B. Location maps and photos

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18244 BD**This Permit is issued to:**

Wayne Herman
2295 Garden Highway
Sacramento, California 95833

To replace existing boat dock with a 20- by 36-foot aluminum dock supported by four steel pilings attached to a 3- by 50-foot gangway attached to a 4- by 2-foot concrete landing on the left (east) bank levee of the Sacramento River. The project is located in Sacramento, north of I-880 at 2295 Garden Highway (Section 28, T9N, R4E, MDB&M, Reclamation District 1000, Sacramento River, Sacramento County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right

to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 18244 BD

THIRTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

FOURTEEN: The Central Valley Flood Protection Board, the State of California and/or any department(s) thereof and Reclamation District No. 1000 shall not be held liable for damage(s) to the herein permitted project resulting from release(s) of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

FIFTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the herein permitted project and shall defend and hold harmless the Central Valley Flood Protection Board, the State of California and/or any department(s) thereof and Reclamation District No. 1000 from any liability or claim(s) of liability associated therewith.

SIXTEEN: The permittee shall be responsible for repair of any damage(s) to the flood control project works due to construction, operation and/or maintenance of the herein permitted project.

SEVENTEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

EIGHTEEN: No construction work of any kind shall be done during the flood season from November

1st to April 15th without prior written approval of the Central Valley Flood Protection Board.

NINETEEN: All cleared trees and brush shall be completely burned or removed from the flood control project works, and downed trees or brush shall not remain in/on the project works during the flood season from November 1st to April 15th.

TWENTY: Stockpiled material and/or equipment shall not remain within/upon the flood control project works during the flood season from November 1st to April 15th.

TWENTY-ONE: A temporary bench mark, set to a known datum, shall be placed at the project site during construction.

TWENTY-TWO: The top of driven piles shall be a minimum distance of 2 feet above the design flood plane elevation of 32.2 feet, NGV Datum.

TWENTY-THREE: The concrete footing(s) for the ramp landing must be of sufficient size to restrain the floating facility and be a minimum of 1 cubic yard of concrete.

TWENTY-FOUR: Landing footing(s) shall be cleaned of all loose soil, and backfilled with concrete cast against firm undisturbed earth. Revetment and/or rip-rap do not constitute firm, undisturbed soil.

TWENTY-FIVE: All debris generated by this project shall be disposed of outside the project works.

TWENTY-SIX: Debris that may accumulate on the permitted encroachment(s) and related facilities shall be cleared off and disposed of outside the flood control project works after each period of high water.

TWENTY-SEVEN: Objects connected to the dock shall be properly secured to prevent detachment during periods of high water.

TWENTY-EIGHT: The permittee shall be responsible for removing all boats or other objects moored to the dock upon receiving notification to do so from the Central Valley Flood Protection Board, Department of Water Resources, or any other federal, State, or local agency having applicable authority.

TWENTY-NINE: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Central Valley Flood Protection Board, to prevent further erosion.

THIRTY: If the herein permitted project results in an adverse hydraulic impact, the permittee shall provide appropriate mitigation measures, to be approved in writing by the Central Valley flood Protection Board, prior to implementation of mitigation measures.

THIRTY-ONE: The permittee may be required, at permittee's cost and expense, to remove or alter all or any part of the herein permitted project if removal or alteration is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley flood Protection Board may remove or modify the

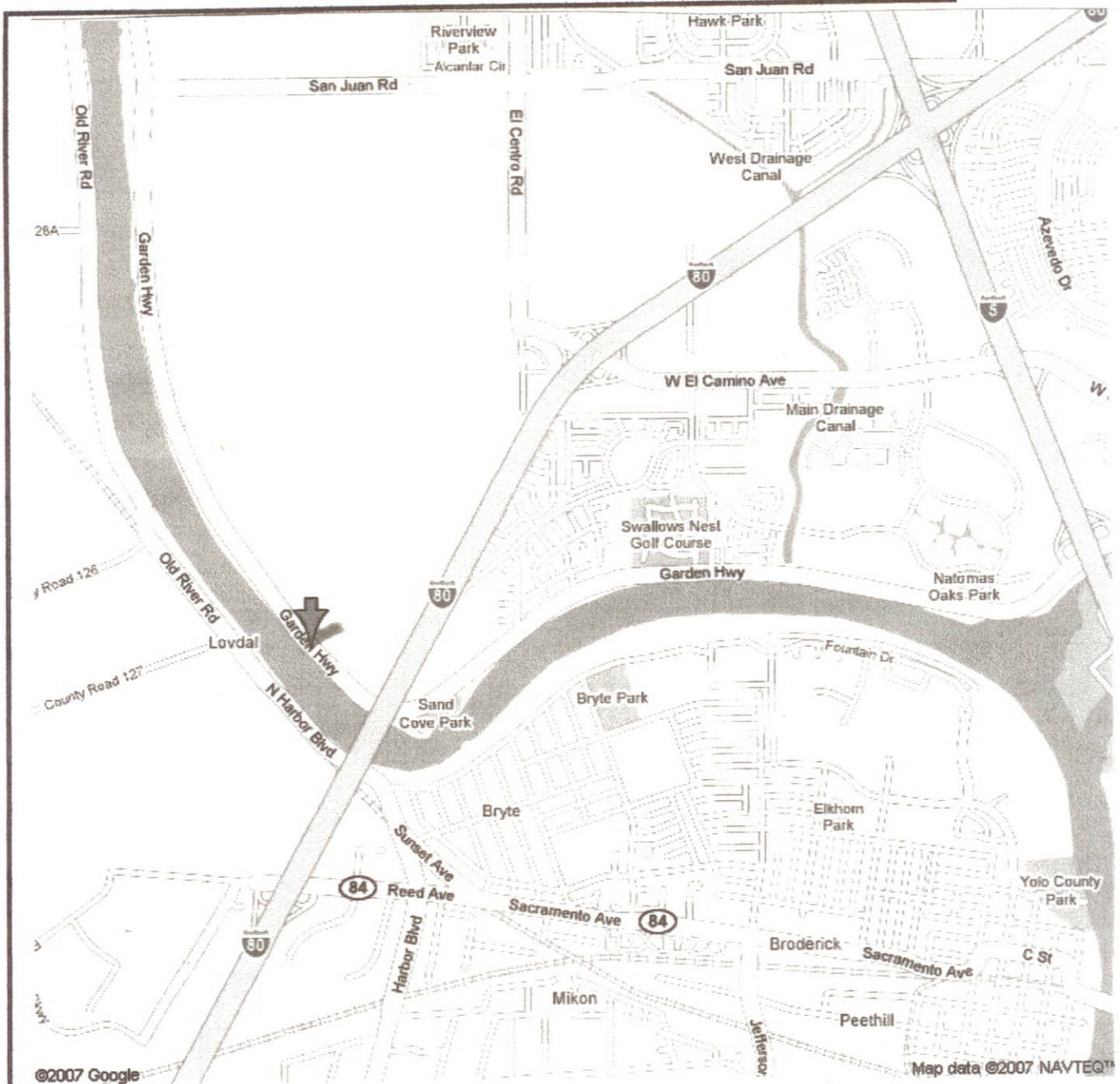
herein permitted project at the permittee's expense.

THIRTY-TWO: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

THIRTY-THREE: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

THIRTY-FOUR: The permittee shall comply with all conditions set forth in the letter from Reclamation District No. 1000 undated, which is attached to this permit as Exhibit A and is incorporated by reference.

THIRTY-FIVE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated September XX, 2008, which is attached to this permit as Exhibit B and is incorporated by reference.



VICINITY MAP

Latitude: 38°36'10.5"N
Longitude: 121°33'8.75"W

West Coast Docks, Inc.
PO Box 712
Walnut Grove, Ca 95690
Attn: J.B. Morais
916-776-4447 Ph 776-1927 Fax

Project: Private Dock for
W. Wayne Herman
APN: 274-0260-016

Location: 2295 Garden Highway
Sacramento, Ca 95833
Sacramento County

Sacramento River

Date:
10/15/2006

DATUM NGVD

Sheet
1 of 3



Herman Boat Dock & Ramp
2295 Garden Highway
Sacramento, Ca 95833

View of existing dock and ramp



View of existing dock and upriver



View of existing bank and ramp

APPLICATION FOR A RECLAMATION BOARD ENCROACHMENT PERMIT

Application No. 18244
(For Office Use Only)

1. Description of proposed work:
Herman Boat Dock
See Attached Project Description

2. Location: 2295 Garden Highway County, in Section Sacramento

Township: 9N (N)
(S), Range 4E (W), M. D. B. & M.

3. W. Wayne Herman of 2295 Garden Highway
Name of Applicant Address

Sacramento
City

CA
State

95833
Zip Code

916-927-4035
Telephone Number

Fax Number

4. Endorsement: (of Reclamation District)

We, the Trustees of Reclamation District 1000
Name and District Number

approve this plan, subject to the following conditions:

☐ Conditions listed on back of this form

☒ Conditions Attached

☐ No Conditions

Paul A. J. 6/19/2007
Trustee Date Trustee Date

NOT REQUIRED BY RESOLUTION OF THE BOARD
OF TRUSTEES

SEPTEMBER 14, 1984

5. Names and addresses of adjacent property owners sharing a common boundary with the land upon which the contents of this application apply. If additional space is required, list names and addresses on back of the application form or an attached sheet.

Michael Chilelli
Name

2281 garden Highway
Address

95833
Zip Code

MIKE FABIAN
Unknown

2305 Garden Highway

95833



RECLAMATION
DISTRICT 1000

Permit Conditions

Permit Application No. 18244

Location: 2295 Garden Highway--Sacramento River RM 62.8L

Applicant: W. Wayne Herman

Description: Floating Boat Dock and Gangway

CONDITIONS:

1. Maintenance of all encroaching structures, facilities, vegetation or any other items or matters approved under this permit shall remain the responsibility of the Permittee.
2. Permittee may be required, at the Permittee's sole cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted work if such removal, alteration, relocation or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the encroachment interferes with the District's ability to operate and maintain its flood control facilities or if the encroaching facilities are damaged by any cause.
3. Permittee shall obtain all necessary permits and regulatory approvals for the proposed work
4. Permittee shall notify the District one week in advance of the start of construction.
5. Per Section 127 of Title 23, all debris caught by the proposed boat dock shall be cleared and disposed of outside the floodway following each period of high water to the satisfaction of the District and the Reclamation Board.
6. Permittee is responsible for any damage to public or private facilities along the river should the structure or associated boat break free and shall hold the District and the Reclamation Board harmless from any liability as a result of placing this structure in an active floodway.
7. Permittee shall remain responsible for any erosion on the waterside levee slope or waterside berm caused by the permitted encroachment and shall repair such erosion prior to the next flood season to the satisfaction of the District and the Reclamation Board.